

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-CR-171

DAVID SZYMUSZKIEWICZ,

Defendant.

ORDER

The Court, having considered the motion of the defendant, together with the response of the government, and being satisfied that the terms and provisions of Internal Revenue Code § 6103(h)(4)(D) and Fed. R. Crim. P. 16(a)(1)(E) so require, and in consideration of all proceedings in the case,

IT IS HEREBY ORDERED that the defendant's motion to compel is **GRANTED, IN PART;**

IT IS FURTHER ORDERED that the Internal Revenue Service is ordered to turn over unencrypted copies of the hard drives of the Internal Revenue Service computers used by Nella Infusino and the defendant to the defense expert, Steve Odenthal, Odenthal Investigations;

IT IS FURTHER ORDERED to the extent that these hard drives contain return or return information as provided by Internal Revenue Code § 6103(b)(1) and (2) or information protected by the Privacy Act under 5 U.S.C. § 552a, the Internal Revenue Service's disclosure to Steve Odenthal is authorized by Internal Revenue Code § 6103(h)(4)(D) and 5 U.S.C. § 552a(b)(11).

IT IS FURTHER ORDERED that Steve Odenthal may perform such forensic examination on the hard drive as is necessary to defend against the indictment in this case;

IT IS FURTHER ORDERED that Steve Odenthal may disclose the results of the forensic examination to defense counsel and the defendant, but that such disclosure may not include confidential tax returns or return information or information subject to the Privacy Act without further order of this Court.

SO ORDERED this 12th day of October, 2007, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge